

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KRISHNA REDDY,

*Plaintiff,*

v.

SUPERIOR GLOBAL SOLUTIONS, INC.,  
ET AL.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 4:11cv845  
(Judge Clark/Judge Mazzant)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 2, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that plaintiff's Motion for an Order to Transfer the Action for All Purposes to the Northern District of California [Doc. #56] be denied. Plaintiff filed objections on October 19, 2012 [Doc. #67].

The court would note that plaintiff, a California resident, filed this action in the Eastern District of Texas because, as she stated in her complaint, the defendant could "be found in Plano, Texas." [Doc. #1]. After litigating several issues in this court, plaintiff filed a motion to change venue, asserting that it would be more convenient to continue this case in California.

Plaintiff simply re-argues the private and public factors. The Magistrate Judge discussed each of the factors. The Magistrate Judge found that most of the factors were neutral or weighed against transfer. The Magistrate Judge concluded that plaintiff failed to establish that the Northern District of California was a clearly more convenient forum for this litigation. The court sees no error in the

Magistrate Judge's recommendation and will honor plaintiff's choice of forum.

The court also agrees with the Magistrate Judge that 28 U.S.C. § 1406(a) is not applicable to this case. Venue is proper in the Eastern District of Texas. The Magistrate Judge was also correct that transfer under 28 U.S.C. § 1407 was not available in this case. Plaintiff has not established that this case has questions in common with her cases pending against other Defendants in California.

This court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that plaintiff's Motion for an Order to Transfer the Action for All Purposes to the Northern District of California [Doc. #56] is DENIED.

So **ORDERED** and **SIGNED** this **26** day of **November, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge